

EXHIBIT 11

Effective: November 3, 2008

McKinney's Consolidated Laws of New York Annotated Currentness

Public Health Law (Refs & Annos)

Chapter 45. Of the Consolidated Laws (Refs & Annos)

▣ Article 11. Public Water Supplies; Sewerage and Sewage Control

▣ Title I. Potable Waters (Refs & Annos)

→ **§ 1103. Violation; penalties**

1. If a person or entity willfully violates any rule or regulation promulgated pursuant to section one thousand one hundred of this title relating to a temporary or permanent source or act of contamination, such person or entity violating such rule or regulation shall be liable to prosecution for a misdemeanor for every such violation, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both.

2. If a person or entity violates any rule or regulation promulgated pursuant to section one thousand one hundred of this title relating to a temporary or permanent source or act of contamination, the department may impose a civil penalty for the violation thereof or the noncompliance therewith, not exceeding two hundred dollars for every such violation or noncompliance.

3. For purposes of calculating the applicable civil penalty under this section, each day on which such violation occurred may be considered a separate incident. In addition, a court may order such person or entity to make reparations for any permanent and/or substantial damage caused as a direct result of such violation. For purposes of subdivision one of this section, restitution and reparation may be ordered in accordance with applicable provisions of the criminal procedure law.

CREDIT(S)

(L.1953, c. 879; amended L.2008, c. 528, § 1, eff. Nov. 3, 2008.)

HISTORICAL AND STATUTORY NOTES

2001 Main Volume

Derivation

Section derived in part from § 70 of Public Health Law of 1909, added L.1909, c. 49; amended L.1911, c. 695; L.1915, c. 665; L.1926, c. 309, § 1; L.1933, c. 391; repealed by § 5002 of this chapter. Section 70 was from § 70 of Public Health Law of 1893, added L.1893, c. 661; amended L.1899, c. 251, § 1; L.1904, c. 484, § 4; repealed L.1909, c. 49; originally revised from L.1885, c. 543, § 1; amended L.1888, c. 52, §§ 2, 8.

CROSS REFERENCES

Misdemeanor, definition, see Penal Law § 10.00.

Throwing gas tar or refuse into public waters, misdemeanor, see Public Health Law § 1300-b.

LIBRARY REFERENCES

2001 Main Volume

Waters and Water Courses  196, 211.

C.J.S. Waters §§ 232, 269, 313.

In a caselaw database, run TO(405) or 405k[add key number] to retrieve cases related to Waters and Water Courses.

NOTES OF DECISIONS


Delegation of powers 1

Trespass 2

1. Delegation of powers

By the provisions of Public Health Law of 1893, c. 661, § 70 [now this section] the state department of health might direct local boards of health to establish sanitary regulations, which included the prevention of contamination of water used for domestic purposes and the disposition of sewage from various municipalities in the state and might prescribe penalties for the violation of these regulations. 1905, Op. Atty. Gen. 363. See, also, 1898, Op. Atty. Gen. 130.

2. Trespass

County water authority established claim of trespass against manufacturers and distributors of herbicide which degraded into tetrachloroterephthalic acid (TCPA), based on unlawful invasion of TCPA into groundwater in amount exceeding 50 parts per billion (PPB); defendants advised consumers to apply herbicide to soil, and authority's taking well out of service upon second TCPA sample in excess of 50 PPB until remediated by installation of granular activated carbon filtration system was consistent with regulatory scheme and authority's obligations thereunder, such that authority was tangibly and appreciably damaged by TCPA in groundwater. *State v. Fermenta ASC Corp.*, 1995, 166 Misc.2d 524, 630 N.Y.S.2d 884, affirmed in part 238 A.D.2d 400, 656 N.Y.S.2d 342, leave to appeal denied 90 N.Y.2d 810, 664 N.Y.S.2d 271, 686 N.E.2d 1366. Waters And Water Courses  104

McKinney's Public Health Law § 1103, NY PUB HEALTH § 1103

Current through L.2009, chapters 1 to 14, 16, 17 and 50 to 55.

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